

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

COLUMBIA INDUSTRIES, LLC, an
Oregon limited liability company,

Plaintiff,

v.

RICHARD HENRY, an Ohio resident,
RAYMOND FLINT, an Oregon resident,
GARY BRUNCKHORST, an Ohio resident,
TIPPER SERVICES, INC., an Ohio
corporation, G & B TRANSPORTATION,
INC., an Ohio corporation,

Defendants.

Case No. 3:17-cv-00516-MO

TEMPORARY RESTRAINING ORDER

On May 4, 2017, Plaintiff Columbia Industries, LLC (“Columbia”) moved for a preliminary injunction against use or disclosure of its trade secrets and other confidential information by defendants, their officers, agents, servants, employees and attorneys, and other persons who are in active concert or participation with them during the pendency of this action. (Dkt. No. 16). The parties now wish to pursue a comprehensive settlement of this action and are working cooperatively to find a settlement judge to assist in that effort.

To ensure that Columbia's trade secrets and other confidential information are protected from any use or disclosure while the parties pursue settlement, the defendants hereby stipulate to entry of a temporary restraining order ("TRO") as set forth below. This motion is based on the stipulation of the parties and on the record on Columbia's motion for a preliminary injunction (Dkt. Nos. 17-24). The parties ask for immediate entry of the TRO. If the TRO is granted, the parties will also stipulate to extend the time for the defendants to respond to Columbia's motion for a preliminary injunction to seven business days after settlement negotiations unsuccessfully conclude. The TRO shall remain in place until the earlier of (1) conclusion of the case, (2) stipulation of the parties to extinguish the order, or (3) a decision on Columbia's motion for a preliminary injunction, unless Columbia's motion for preliminary injunction is withdrawn. In the event Columbia's motion for preliminary injunction is withdrawn, the TRO shall immediately dissolve.

Given the parties' agreement to entry of the TRO, the defendants have waived the security requirement under Fed. R. Civ. P. 65(c).

II. STIPULATED RESTRAINT

For the reasons described above, the parties hereby stipulate to entry of an order temporarily restraining each Defendant; its officers, agents, servants, employees and attorneys; and other persons who are in active concert or participation with them from:

- Using or disclosing any of Columbia's confidential information, including but not limited to Columbia's tipper drawings and specifications; any materials, products, parts, drawings, documents, files or other information derived in whole or in part from Columbia's tipper drawings; Columbia's vendor and customer information; and any other confidential information of Columbia;

- Attempting to sell or selling newly manufactured tippers or parts that are based in any way on Columbia's tipper drawings and/or specifications; and
- Engaging in any way in manufacturing operations for tippers that are based on Columbia's confidential information, including but not limited to Columbia's tipper drawings and specifications; or any materials, products, parts, drawings, documents or other information derived in whole or in part from Columbia's tipper drawings.
- Notwithstanding the foregoing, Defendants are not prohibited from purchasing, repairing, refurbishing and selling used landfill tippers, including Columbia landfill tippers. To the extent that Columbia confidential information or parts are required for the repair or refurbishment of any used landfill tipper, such information and/or parts must be obtained exclusively from Columbia and used solely for the purpose of the repair and/or refurbishment.

DATED: May 18, 2017.

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Attorney for Defendant Raymond Flint

The Court has reviewed the reasons offered in support of this Temporary Restraining Order and finds that there is good cause to order the restraint to which the above-name parties have stipulated. Accordingly, the Court enters the above Stipulated Restraint in this action.

IT IS SO ORDERED.

DATED: May 18, 2017

/s/ Michael W. Mosman

Honorable Michael W. Mosman

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **TEMPORARY RESTRAINING ORDER**
to the following named persons on the date indicated below

by

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☐ email
- ☒ notice of electronic filing using the Cm/ECF system

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at
their last-known addresses indicated below.

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DATED: May 18, 2017.

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